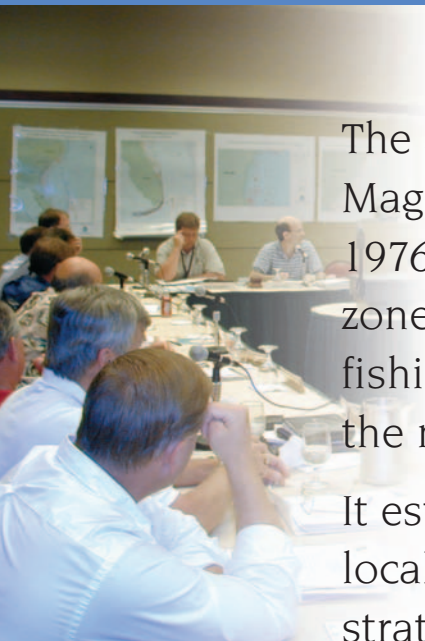


# improving

## improving fisheries governance



The goals of the nation's first fisheries policy, the Magnuson Fishery Conservation and Management Act of 1976, were straightforward: to establish a national fishing zone out to 200 miles off U.S. coasts, eliminate foreign fishing in this zone, and manage domestic fisheries for the maximum benefit to the nation.

It established eight regional fishery councils to work with local communities to develop management goals and strategies for each region's fisheries. Voting council

members are nominated by the states' governors and appointed by the U.S. Secretary of Commerce. The councils include local representation of commercial and recreational fishing interests, state and federal scientists, and non-voting members from the U.S. Fish and Wildlife Service, the U.S. Coast Guard and the U.S. State Department. Increasingly, environmentalists have been appointed to serve on councils, although the Magnuson Act, renamed the Magnuson-Stevens Act in 1996, does not require the governors to nominate such candidates.

Each council has a staff that works to support the development of management measures and documents, identify potential impacts of proposed regulations, maintain administrative records, and work on public outreach to ensure fishermen's involvement in the process and understanding of new regulations.

In what has become known as the "council process," current U.S. fisheries policy employs a unique approach to governance, reflecting a participatory democracy. Using stock assessments from NOAA, on-the-water expertise of fishermen, and data from many sources, the councils work with scientific and statistical committees to determine fishery conservation needs. During public scoping and public hearings, the councils request feedback on proposed fishery management measures and their potential impacts.

Public participation helps the councils understand the needs of coastal communities and allows the public to offer alternative approaches to meeting conservation goals that might result in less economic impact to the industries. When developing management measures, the councils also consider advice from advisory panels, made up of academics, scientists, conservationists, anglers, commercial fishermen, and other citizens with fisheries expertise.

# improving fisheries governance



Once a management measure has worked its way through the public process, has been fully vetted by scientists, debated by the public, deliberated upon by council members, and given full council approval, it is submitted to NOAA. Officials at NOAA check to ensure management measures meet the requirements of the Magnuson-Stevens Act's 10 National Standards and comply with other federal mandates such as the National Environmental Policy Act, the Endangered Species Act, the Marine Mammal Protection Act, and the Regulatory Flexibility Act. Once these checks are completed, the Secretary of Commerce either approves and implements them, or disapproves and sends them back to the councils for any necessary revisions. Council actions may also be partially approved, but NOAA may not make changes to them.

In 2004, the U.S. Commission on Ocean Policy began a national dialogue about U.S. fisheries governance, recommending several changes that might strengthen the current process, or at least give the public more confidence in a system that has been seen by some as having conflicts of interest. The Bush Administration recently released a U.S. Ocean Action Plan outlining its response to the U.S. Commission on Ocean Policy's recommendations. The plan includes both short-term and long-term goals and strategies for improving ocean governance. As Congress prepares to reauthorize the Magnuson-Stevens Act this year, certain key issues dealing with fisheries governance are likely to be addressed.

## key concepts and controversies

### Separation of Conservation and Allocation Decisions

Some have suggested that allowing fishermen to serve on the regional councils and make conservation decisions for the nation's public marine resources creates a financial conflict of interest, resulting in poor conservation decisions. These groups have advocated that fishery conservation needs should be determined by an independent scientific committee without political or financial ties to the fisheries. This recommendation would allow the independent science group to establish annual catch limits, while giving the regional councils authority to allocate the total allowed catch among user groups. Others believe that conservation and allocation go hand-in-hand and both should remain within the purview of the regional councils to protect public participation in the process.





# story ideas

## Broadening Council Representation

The Secretary of Commerce is required to appoint council members from a slate of nominees received by state governors. To broaden representation on the councils to include conservationists, academics, and other interested members of the public, the governors would need to submit qualified candidates from these fields. Some groups have advocated that the Magnuson-Stevens Act be modified to create designated environmental council seats and require the governors to submit environmental nominees to the U.S. Secretary of Commerce.

## Creation of New Regional Councils

Some groups have advocated the creation of new regional councils to aid in the identification of conservation needs and to help develop fishery management plans. It is unclear from the proposals how these new councils would differ from or interface with the existing regional councils.

Some groups have likened the current fisheries governance structure to the “fox guarding the henhouse” because fishermen are entrusted to help scientists and government officials determine conservation needs and develop plans to ensure sustainable harvests. In a participatory democracy, is this a fair analogy? Can fishermen serve as stewards of the resource, and should their on-the-water experiences be used to determine how best to achieve conservation goals?

Compare the current U.S. ocean governance structure to that of other nations and report on how the system compares worldwide. Particularly examine whether conflict of interest hinders conservation.

Become an insider and report how the regional fishery management system works. Attend fishery management council meetings to follow a management measure from the beginning, or scoping stage, through to implementation. What is the process of creating a fishing regulation? How does the governance structure work? Does any one council member have more influence than others during deliberations? Is the public represented in the current governance structure? Does the process include checks and balances to ensure adherence to the 10 National Standards in the Magnuson-Stevens Act?

Research your region’s council members to determine what their expertise is and why they were nominated by their governor to serve as marine fisheries stewards. Create greater ocean literacy among your readers by exposing them to more in-depth information about how their oceans are managed and who is entrusted with this important job. Inspire a new generation of Americans to become involved in the politics and conservation of the oceans.



# information

## conference participants fisheries governance workshop

**Christopher Kellogg (Moderator)**

New England Fishery Management Council staff  
Newburyport, MA  
978-465-0492, ckellogg@nefmc.org

**Sarah Chasis**

Natural Resources Development Council  
New York, NY  
212-727-4424, schasis@nrdc.org

**David Frulla**

Fisheries consultant, Brand & Frulla  
Washington, DC  
202-662-9700, dfrulla@brand-frulla.com

**Robert Hayes**

Coastal Conservation Association  
Houston, TX  
713-626-4234, rhayes@dc.bjllp.com

**Dr. Rebecca Lent**

NOAA Fisheries Service  
Silver Spring, MD  
301-713-2239 (ext.193), Rebecca.lent@noaa.gov

**Terry Letizel**

Icicle Seafood Processing  
Seattle, WA  
206-282-0988, TerryL@IcicleSeafoods.com

**Rod Moore**

West Coast Seafood Processors Association  
Portland, OR  
503-227-5076, seafood@integraonline.com

**Patten White**

Maine Lobsterman's Association  
York, ME  
207-363-6783, pwhite3@maine.rr.com

**For more information about this conference topic****James Richardson (Staff Assistant)**

North Pacific Fishery Management Council  
Anchorage, AK  
907-271-2809, jim.richardson@noaa.gov

**Jay Ginter (Rapporteur)**

NOAA Fisheries Service  
Anchorage, AK  
907-586-7228, jay.ginter@noaa.gov



## useful information

**Understanding Fisheries Management:**

A Manual for Understanding the  
Federal Fisheries Management Process,  
Including Analysis of the 1996  
Sustainable Fisheries Act:

<http://nsgl.gso.uri.edu/masgc/masgch00001.pdf>

**President Bush's Ocean Action Plan:**

<http://ocean.ceq.gov/actionplan.pdf>

**Eight Regional Fishery Management Council  
Websites:**

<http://www.nmfs.noaa.gov/councils.htm>

**Three Interstate Marine Fishery Commission  
Websites:**

<http://www.nmfs.noaa.gov/commissions.htm>